

RESOLUTION NO. 2007-171

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, TO WITHDRAW FROM THE MIAMI-DADE FIRE AND RESCUE SERVICE DISTRICT; TO ESTABLISH A TOWN FIRE DEPARTMENT; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Commission ("Commission") has conducted an evaluation of its current Fire and Rescue Service Program for purposes of determining whether it is utilizing its resources in the most cost effective and efficient manner for the Town; and

WHEREAS, the Commission has considered the presentation of its existing service provider, Miami-Dade County Fire and Rescue Service District as to its fire and rescue services and costs; and

WHEREAS, the Commission has considered the presentation of the City of Miami-Beach Fire Department as to its fire and rescue services and costs; and

WHEREAS, the Commission desires to withdraw from the Miami-Dade County Fire and Rescue Service District based on its careful consideration of the above presentations and its evaluation of the costs and benefits provided under each program; and

WHEREAS, the Commission desires to withdraw from the Miami-Dade County Fire and Rescue Service District and to establish its own fire department by potentially contracting with the City of Miami Beach to operate the Town of Surfside's Fire Department pursuant to rights established in the 1973 Agreement between Dade County and the Town of Surfside, a copy of which is attached as Exhibit "A" ("1973 Agreement"); and,

WHEREAS, alternatively, the Commission desires to preserve and exercise its rights to opt out of the Miami-Dade County Fire and Rescue Service District under Miami-Dade County Code, Article II, Section 18-30 "Municipal Option to Provide Alternative Service") ("Miami Dade County Opt Out Ordinance"), if the Town is precluded from withdrawing from the Miami-Dade Fire and Rescue Service District by a court of law for whatever reason;

WHEREAS, in any case, the Commission may conduct a non-binding straw ballot of the Town's citizens to obtain public input on its decision to withdraw from the Miami-Dade County Fire and Rescue Service District;

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WHEREAS, the Town Commission ("Commission") has conducted an evaluation of its current Fire and Rescue Service Program for purposes of determining whether it is utilizing its resources in the most cost effective and efficient manner for the Town; and

WHEREAS, the Commission has considered the presentation of its existing service provider, Miami-Dade County Fire and Rescue Service District as to its fire and rescue services and costs; and

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WHEREAS, in any case, the Commission may conduct a non-binding straw ballot of the Town's citizens to obtain public input on its decision to withdraw from the Miami-Dade County Fire and Rescue Service District;

WHEREAS, the Commission had determined that it is in the best interests of the Town to withdraw from the Miami Dade County Fire and Rescue Service District and exercise its rights of municipal home rule authority in so doing;

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AS FOLLOWS:

Section 1. Recitals. That the above and foregoing recitals are true and correct and are incorporated herein by reference.

Section 2. Withdrawal Approved. The Commission hereby approves the Town's withdrawal from the Miami-Dade County Fire and Rescue Service District pursuant to the terms of the 1973 Agreement or alternatively, under the terms of the Miami-Dade County Opt Out Ordinance, if required by a court of law.

Section 3. Approval to Establish Town Fire Department. The Commission hereby authorizes the Town to establish its own Fire Department by and through the contracting of services to the City of Miami Beach to operate the Town Fire Department subject to a condition that prior to contracting with the City of Miami Beach, the Town shall have conducted a fire department study which must conclusively establish that the City of Miami Beach's proposal for the provision of fire and rescue services are adequate to meet the Town's needs at a significantly lower cost.

Section 4. Approval To Conduct Straw Ballot. The Commission authorizes the Town to conduct a straw ballot to obtain public input on its decision to withdraw from the Miami-Dade County Fire and Rescue Service District.

Section 5. Implementation. That the Mayor, the Town Manager, and the Town Attorney are authorized to take any and all action which is necessary to implement this Resolution.

Section 6. Severability. That the provisions of this Resolution are declared to be severable and if any section, sentence, clause or phrase of this Resolution shall, for any reason, be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, clauses, sentences and phrases of this Resolution but they shall remain in effect, notwithstanding the invalidity of any part.

Section 7. Conflict. That all resolutions or parts of resolutions in conflict with this Resolution are hereby repealed to the extent of such conflict.


Section 8. Effective Date. This Resolution shall become effective immediately upon approval of the Town Council.

PASSED and ADOPTED on this 12th day of June, 2007.

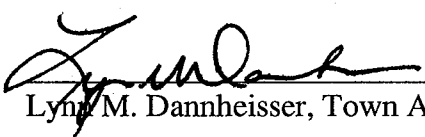
R-07-1771


Charles W. Burkett, Mayor

Attest:


Beatris M. Arguelles, CMC
Town Clerk

**APPROVED AND TO FORM AND
LEGAL SUFFICIENCY:**


Lynn M. Dannheisser, Town Attorney

Moved by: Commissioner Imberman

Second by: Vice Mayor Weinberg

Vote: 4-1

Mayor Burkett	yes	<input checked="" type="checkbox"/>	no	<input type="checkbox"/>
Vice Mayor Weinberg	yes	<input checked="" type="checkbox"/>	no	<input type="checkbox"/>
Commissioner Blumstein	yes	<input type="checkbox"/>	no	<input checked="" type="checkbox"/>
Commissioner Imberman	yes	<input checked="" type="checkbox"/>	no	<input type="checkbox"/>
Commissioner Levine	yes	<input checked="" type="checkbox"/>	no	<input type="checkbox"/>

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